

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Steinhoff et al.**

Docket: **TI-29599**

Serial No.: **09/498,677**

Examiner: **Mondt, J.**

Filed: **February 7, 2000**

Art Unit: **2826**

For: **BI-DIRECTIONAL ESD PROTECTION CIRCUIT**

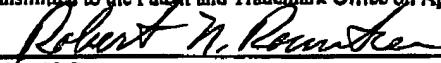
Conf. No.: **9140**

ELECTION UNDER 35 USC § 121

April 25, 2002

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

I hereby certify that the above correspondence is being facsimile
transmitted to the Patent and Trademark Office on April 25, 2002.


Robert N. Rounse

Dear Sir:

Reconsideration is requested in response to Examiner's restriction requirement of March 28, 2002. Therein, Examiner seems to arbitrarily select three groups of figures (1A-1C,2A-2B,3) and states they are patentably distinct species of the claimed invention. Examiner offers no rationale for this arbitrary distinction and further states that no claims seem to be generic. Applicants hereby traverse Examiner's arbitrary restriction and offer the following to show that each of independent claims 1, 21, and 34 is generic.

Referring to Figures 1A, 2A, and 3, respectively, independent claim 1 recites:

A structure, comprising:

an external terminal (100,100,100);
a reference terminal (102,102,102);

a first transistor (106,106,300) formed on a substrate (108,108,108), the first transistor having a current path coupled between the external terminal and the reference terminal;

a second transistor (118,118,118) having a current path coupled between the external terminal and the substrate; and

a third transistor (120,120,120) having a current path coupled between the substrate and the reference terminal.

Referring again to Figures 1A, 2A, and 3, respectively, independent claim 21 recites:

A circuit, comprising:

a first terminal (100,100,100);

a second terminal (102,102,102);

a third terminal (108,108,108);

a device (106,106,300) having a current path coupled between the first and second terminals;

a first transistor (118,118,118) having a current path coupled between the first terminal and the third terminal and having a control terminal coupled to the second terminal; and

a second transistor (120,120,120) having a current path coupled between the second terminal and the third terminal and having a control terminal coupled to the first terminal.

Finally, referring to Figures 1A, 2A, and 3, respectively, independent claim 34 recites:

A circuit, comprising:

a first terminal (100,100,100);

a second terminal (102,102,102);

a third terminal (108,108,108);

a first device (106,106,300) having a current path coupled between the first and second terminals;

a second device (118,118,118) having a current path coupled between the first terminal and the third terminal, the second device current path not conducting in response to a positive voltage at the first terminal with respect to the second terminal and conducting in response to the positive voltage at the second terminal with respect to the first terminal; and

a third device (120,120,120) having a current path coupled between the second terminal and the third terminal, the third device current path conducting in response to the positive voltage at the first terminal with respect to the second terminal and not conducting in response to the positive voltage at the second terminal with respect to the first terminal.

In view of the foregoing, applicants respectfully submit that independent claims 1, 21, and 34 are generic according to the definition in MPEP 806.04(d). Since Examiner has offered no rationale for his arbitrary selection of species, applicants cannot even understand what they are expected to select. How can applicants select a species for prosecution when no separate species exist?

Applicants previously stated in their response of August 28, 2002, that they "have read Examiner's rationale for this restriction requirement several times and have no idea what Examiner is talking about and would appreciate further explanation." Applicants hereby reiterate this request for clarification. If Examiner sincerely believes there is a valid basis for the instant restriction, please provide some rational explanation. Alternatively, if Examiner is only trying to generate additional Office Actions and revenue for the PTO, please advise applicants that no rational explanation will be forthcoming.

In view of the foregoing, applicants respectfully request reconsideration and withdrawal of the restriction of March 28, 2002.

Respectfully submitted,



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9

FAX COVER SHEET

DATE: 4/25/02

Page 1 of 5

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